



Municipal Equality Index Baseline Assessment

July 18, 2014

Prepared by Eron Lloyd
Special Assistant to the Mayor and LGBT Liaison

Introduction and Overview

The Municipal Equality Index (MEI) is a comparative rating system that examines the laws, policies, and services of municipalities and rates them on the basis of their inclusivity of LGBT people who live and work there.¹ Over the years, the City of Reading has made a substantial number of efforts to improve the quality of life for its LGBT constituents, and is seeking to document its progress and consider next steps to further enhance its status as an LGBT-friendly city.

This report is an initial baseline assessment of how Reading would rate against the MEI scorecard. It is not an official rating certified by the Human Rights Campaign, who administers the MEI. The assessment is intended to inform both City officials and the general public, and serve as a guide for developing additional policies to support and strengthen the LGBT community in the city. This information will be submitted to the Human Rights Campaign for feedback and suggestions to improve our score, and the goal is to score a 100 and be recognized in the next MEI report as one of the most LGBT-friendly cities in the country.

The sections below mirror the MEI application's reporting areas, and all responses are based on our initial evaluation of the city's status using publicly available information, whenever possible. Efforts were made to confirm each response, however additional information will be obtained where possible to clarify the answers, particularly those involving broader community activity.

In the final section of the report, we briefly summarize the results and discuss recommended next steps. Included in the summary (as an attachment) will be an unofficial tabulation of Reading's rating against the MEI scorecard, for quick reference. Once City leadership, including both the Mayor and City Council, have had a chance to discuss the assessment, additional actions will be developed as part of the plan.

Baseline Assessment of Municipal Equality Policies

Section I. Non-Discrimination Laws

As before, state, county, and city law will be recorded in this section. To receive credit, a law must specifically enumerate sexual orientation or gender identity/expression. A "bathroom exception" will result in docked points. If there are religious exemptions for individuals, as opposed to religious organizations, points will also be docked.

A. City Prohibits Discrimination on the Basis of Sexual Orientation and Gender Identity in Employment, Housing, and Public Accommodations

Current status: Yes. In 2009 the City passed Ordinance 53-2009, which amended the City's Human Relations Commission ordinance by adding sexual orientation and gender identity or expression.² There is also now bipartisan state legislation introduced to protect lesbian, gay, bisexual, and transgender (LGBT) people in Pennsylvania from discrimination. The

¹ <http://www.hrc.org/campaigns/municipal-equality-index>

² <http://www.readingpa.gov/content/human-relations-commission-lgbt-ordinance>

bills, H.B. 300 and S.B. 300, would ban discrimination based on sexual orientation and gender identity or expression statewide in employment, housing, credit, and public accommodations.

Section II. Relationship Recognition

State level relationship recognition including marriage, civil unions, or comprehensive domestic partnerships established by statute or case law will be awarded points. Marriages performed on the basis of unclear legal authority will not be classified as marriages for the purpose of the MEI until legal authority is established. As before, domestic partner registries at the county or city level will be worth the same number of points as state level relationship recognition to reflect that cities do not have control over marriage law.

Current status: State has marriage equality. On May 20, 2014, U.S. District Justice John E. Jones III struck down Pennsylvania's ban on gay marriage in the *Whitewood v. Wolf* case, finally giving all couples in the state the right to marry.

Section III. Municipality as Employer

A. City Non-Discrimination Practices

1. City has a policy of non-discrimination for its employees on the basis of sexual orientation and gender identity

This can be established either via an enumerated municipal ordinance that expressly includes city employees or via an enumerated equal employment opportunity policy adopted by the municipality. If the city has an employment non-discrimination ordinance that enumerates sexual orientation and gender identity the city is NOT presumed to be covered by that ordinance; the ordinance must either specifically address city employees or the ordinance must be incorporated by reference in city employment policies. If state or county law is enumerated to include sexual orientation or gender identity this too may be incorporated by reference. An unenumerated non-discrimination policy or ordinance will not be sufficient to earn credit.

Current status: Yes. The City of Reading's employee handbook contains an equal employment policy that states the City "has been and remains committed to the practice of equal employment opportunity for all persons without regard to ... sexual orientation, gender identity or expression ... or any other characteristic protected by law consistent with job qualifications and the safe performance, thereof."³

2. City has a City Contractor Equal Benefits Ordinance

The municipality requires contractors, by written policy or by ordinance, to provide equal benefits to LGBT employees. Generalized language stating that benefits will be applied equally and which does not specifically enumerate sexual orientation or gender identity will not suffice for credit.

Current status: No.

³ City of Reading Employee Handbook, Policy 103.

3. City requires all contractors to have policies of non-discrimination on the basis of sexual orientation and gender identity

These can be established through municipal ordinances or policies that mandate all city contractors to have non-discrimination policies based on sexual orientation and gender identity. Partial credit may be awarded where the city gives a bidding preference to a city contractor with an inclusive non-discrimination policy.

Current status: Yes. According to §23-501 of the current City Code, under Chapter 23, Part 5 “Human Relations Commission; Discrimination,” the City requires that “all contracts of the City and its contracting agencies shall obligate the contractor to comply with this Part and with any state or federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed thereunder, and shall require the contractor to include a similar provision in all subcontracts.”

B. City Benefits

1. City Provides Domestic Partner Benefits to Employees

These benefits, which extend healthcare coverage to domestic partners or same-sex married spouses, must be explicitly extended in benefits documents. Where the city is in a jurisdiction where there is state-level relationship recognition the proof of these policies can be minimal but is not assumed; otherwise these benefits must be explicitly extended in a written policy to same-sex partners in order to receive credit.

Current status: Qualified yes. The City does provide benefits to same-sex married spouses, but must evaluate further extending such benefits to domestic partners, such as through a Life Partner Certification.

2. City Grosses Up

Grossing up is when municipalities pay employees an offset to compensate for the tax penalty inflicted on some same-sex couples with regard to domestic partner benefits. Prior to the repeal of the Defense of Marriage Act, because same-sex marriages were not recognized by the federal government, all legally married same-sex couples receiving domestic partner benefits from an employer were taxed on those benefits when married heterosexual couples were not. The repeal of DOMA has eliminated this additional tax for married same-sex couples. However, couples in civil unions and domestic partnerships continue to be subject to this tax penalty. An employer can offer a stipend or a percentage increase in salary to ensure that employees in same-sex relationships are not effectively paying more to receive the same benefits. This can be done via a municipal ordinance or an employment policy.

Current status: Not necessary. There doesn’t seem to be a need for this now that marriage equality exists in Pennsylvania. Same-sex married couples are now treated equally under the law.

3. Legal Dependent Benefits

The municipality receives credit in this section when it recognizes and explicitly includes a dependent of the employee’s domestic partner as a dependent of the employee. Where the city is in a jurisdiction where there is state-level relationship recognition the proof of these policies can be minimal *but is not assumed*; otherwise these benefits must be explicitly extended in a written policy to same-sex partners in order to receive credit.

Current status: Qualified yes. The City is working to formalize this.

4. FMLA-like Leave

To receive credit in this section a municipality must explicitly provide equivalent family leave to same-sex families (same-sex spouses or domestic partners and their dependent children) as it does to heterosexual families under FMLA and other policies. Points will be awarded where there is a state law to this effect.

Current status: Qualified yes. The City is working to formalize this.

5. Transgender-Inclusive Health Care Benefits

The municipality must provide at least one health insurance plan that provides coverage for transgender healthcare needs (sex reassignment surgeries, hormone replacement therapy, and other gender-affirming care). The policy must affirmatively include gender-affirming care; a lack of exclusion is not sufficient for an award of points because this care is routinely not covered.

Current status: No. Further review of the healthcare options is necessary to consider the potential to offer such coverage.

D. City provides a welcoming workplace for LGBT employees

This section assesses whether a municipality has LGBT-specific programming to attract LGBT applicants and promote diversity in the workplace. Cities will receive credit if they have any of the following: an employee pride alliance, diversity training that is inclusive of LGBT issues, or a recruitment program that actively advertises to the LGBT community.

LGBT-Inclusive Recruitment

Current status: Working on it.

LGBT-Inclusive Diversity Training

Current status: Working on it.

LGBT Employee Affinity Group

Current status: Working on it.

Section IV. Municipality's Services & Programs

A. Discrimination Prevention & Redress

1. Human Relations Commission

A commission or council tasked with eliminating discrimination in a city. Starting in 2014, this commission will be worth four standard points if its purpose is largely or entirely educational. The commission may hold community discussions, screen movies, present panels, take public comment, advise the city on matters of diversity and inclusion, develop policies and strategies for making the city more inclusive, and undertake other similar types of endeavors. The commission must have met recently (within the last three years) and a

federal EEOC office located in a city does not garner credit unless the city has contracted with them for the services described above.

Current status: YES. The City has a functioning Human Relations Commission in line with the description above.⁴ The 7-member commission holds regular monthly meetings and maintains an office open to the public in City Hall in room 2-09.

2. Bonus: Enforcement mechanism in Human/Civil Rights Commission

Where, in addition to the functions listed above, a Human/Civil Rights Commission has the authority to conciliate, issue a right to sue letter, or otherwise enforce non-discrimination protections, that commission will earn three bonus points in addition to the four standard points awarded above.

Current status: YES. The City's Human Relations Commission, as defined in §23-505 of the City Code, has powers and duties consistent with the description above.

3. LGBT Liaison in the Mayor's Office

To receive credit in this category, there must be an officially designated liaison to the LGBT community. The function of a liaison is not simply to be a resource for the mayor, but also to be a resource for the public to elevate the concerns of the LGBT community and ensure they are being heard. Therefore, the liaison's contact information must be made available to the public through the city's website or where other city officials' contact information is published. LGBT persons who work in the mayor's office do not qualify for credit in this category unless their service in this capacity is part of his or her official job; however, LGBT liaisons may have additional job functions unrelated to LGBT issues. Please note that credit is given in part VI for openly LGBT city elected or appointed officials.

Current status: YES. In order to further the City of Reading's standing in the Municipal Equality Index and enhance the standing of Reading as an LGBT friendly city, Mayor Spencer has designated Eron Lloyd, Special Assistant to the Mayor, as the official liaison to the LGBT community and tasked him with advancing the City's LGBT policies, working in coordination with the Human Relations Commission and community partners. He may be contacted at 610-655-6584 or eron.lloyd@readingpa.org.

B. Municipal Services Reach Vulnerable Populations

1. Bonus: City provides services to LGBT youth

Cities that provide services, partially provide services, or provide funding for services for LGBT youth will receive two bonus points.

Current status: Unknown. More investigation must be done in conjunction with our community partners.

2. Bonus: City provides services to LGBT homeless

Cities that provide services, partially provide services, or provide funding for services for LGBT homeless people will receive two bonus points.

⁴ <http://www.readingpa.gov/content/human-relations-commission>

Current status: Unknown. More investigation must be done in conjunction with our community partners.

3. Bonus: City provides services to LGBT elderly

Cities that provide services, partially provide services, or provide funding for services for LGBT elders will receive two bonus points.

Current status: Unknown. More investigation must be done in conjunction with our community partners.

4. Bonus: City provides services to people living with HIV or AIDS

Cities that provide services, partially provide services, or provide funding for services for people who are HIV positive or living with AIDS will receive two bonus points.

Current status: Unknown. More investigation must be done in conjunction with our community partners.

C. School Districts In City Have Anti-Bullying Policies Enumerated to Include On the basis of Sexual Orientation and Gender Identity

To receive credit in this category, a city or county ordinance, state statute, or school district/school board policy must specifically prohibit bullying and enumerate the bases of sexual orientation and gender identity as prohibited grounds upon which to bully. Anti-harassment policies that are enumerated and include language that encompasses bullying will be given credit, but hazing or harassment policies that do not encompass bullying will not receive credit. Where there are multiple schools or districts in the city limits, credit will only be given at the local level if all schools within city limits have enumerated anti-bullying policies.

Current status: Yes. An anti-bullying and harassment policy was adopted by the Reading School District in 2009 (Policy 249) and specifically prohibits bullying on the grounds of sexual orientation and gender identity district wide.⁵

Section V. Municipality as Law Enforcement

1. LGBT Police Liaison or Task Force

To get credit in this category, there must be an officially designated liaison to the LGBT community or task force charged with addressing LGBT issues. An LGBT Liaison or task force must be publicly known in order to receive credit. The function of a liaison is not simply to be a resource for the department, but also to be a resource for the public to elevate the concerns of the LGBT community and ensure they are being heard. Therefore, the liaison's contact information must be made available to the public through the city's website or where other police contact information is published. LGBT police officers, including high-ranking officers, do not qualify for credit in this category unless their service as liaison is part of his or her official job. Partial credit will be given in this category where the entire police force is trained on LGBT issues.

⁵ <http://www.readingsd.org/cms/lib07/PA01917154/Centricity/Domain/28/pol249.pdf>

Current status: No. Although there is no formal program or LGBT-specific training, the department seeks to treat all people equally and carry out their duties impartially.

2. Reported 2012 Hate Crimes Statistics to the FBI

The city must report hate crimes statistics to the FBI in all categories and either:

1. Report a positive number of hate crimes in any category in 2011 (i.e. report more than “0” for hate crimes reported in any one or more of the protected categories), OR
2. Report zero hate crimes in 2011 AND have reported a positive number of hate crimes some year in the past five years. This second is to recognize that statistically it is possible that no hate crimes of any kind have occurred in a small city this year, but that it is improbable that no hate crimes of any kind have occurred in the last five years.

Current status: Yes.⁶ However, Pennsylvania still lacks protections for the LGBT community as part of state hate crime laws due to the Ethnic Intimidation Act amendment that added “ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals” being repealed by the State Supreme Court in 2007.⁷

Section VI. Municipality's Relationship to the LGBT Community

A. Leadership's Public Position on LGBT Equality

This section grades, on a sliding scale from zero to five points, how pro-equality the leadership is in public statements. City leadership includes the mayor, city manager if applicable, city council, and other government officials. These statements may include joining a pro-equality association such as Mayors for Freedom to Marry, coming out publicly in favor of LGBT rights, supporting LGBT community organizations, etc. It also includes comments made during city council meetings or at other public events. Starting in 2014, this section will also include participation in Pride events and partnership with LGBT groups to create solutions to city problems.

Current status: Full support. Mayor Spencer annually recognizes the efforts and contributions of our LGBT community by issuing proclamations for the Reading Pride Celebration and National LGBT History Month, and has signed on to the Mayors for Freedom to Marry campaign. Most recently, he has ordered an assessment of current equality levels, committed to improving the city's resulting score, called on LGBT community partners to join the effort, and assigned office resources to staff and coordinate such efforts. According to the minutes, City Council has not issued any formal statements recently, however are generally in favor of equality-related policies and are expected to express support for future equality initiatives.

⁶ http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2012/tables-and-data-declarations/13tabledatadecpdf/table-13-state-cuts/table_13_hate_crime_incidents_per_bias_motivation_and_quarter_by_pennsylvania_and_agency_2012.xls

⁷ http://articles.philly.com/2008-07-26/news/25245232_1_hate-crimes-bill-hate-crimes-laws-ethnic-intimidation-act

Leadership's Pro-Equality Legislative or Policy Efforts

This section grades, on a sliding scale from zero to three points, how actively the city has been pursuing pro-equality legislation and policies. This includes ordinances introduced, whether passed or not, and city policies, as well as pro-equality city council resolutions.

Current status: Making progress. As described above, in 2009 the City passed a comprehensive sexual orientation and gender identity non-discrimination amendment; Mayor Spencer was Council President at the time and endorsed and supported the legislation, along with all but one member of City Council. Little legislative progress has been made since then, but attention is again shifting to advance additional policies and there appears to be broad support on City Council as well.

Bonus: Openly LGBT Elected or Appointed Municipal Leaders

The criteria for points in this category is the person be a leader – have some kind of a senior elected or appointed position in the city – and that the person be openly LGBT. A state or federal elected representative from the city does not qualify, as the person must be elected or appointed to a position in the municipality being rated.

Current status: No.

Bonus: Cities are Pro-Equality Despite Restrictive State Law

This category, which we formerly called “Resisting Dillon’s Rule”, gives credit to cities who have a state law of some kind that restricts the city’s ability to pass LGBT inclusive ordinances and who take distinct actions to push back against that limit either by advocating for change or testing its limits. Simply being in a state with such restrictions is not enough to qualify for these points. Many states do not have this type of law, which means many cities are not qualified to receive these points. In 2014 this section will include cities that had domestic partner registries that were rendered moot by restrictive state law.

Current status: Unknown.

Summary and Recommended Next Steps

According to the above assessments, the City of Reading would currently score **86 out of 100** on the 2014 MEI rating system, a very significant standing in progress towards municipal equality. The breakdown in scoring within the six MEI areas is as follows:

1. Non-discrimination Laws: **18 out of 18 points.** The city has earned full points as a result of the 2009 ordinance.
2. Relationship Recognition: **12 out of 12 points.** The city has earned full points as a result of the 2014 federal court ruling.
3. Municipality as Employer: **22 out of 29 points.**⁸ The city has earned a large share of the available points, but needs to be more proactive in promoting diversity through its internal policies, such as formally becoming a Welcoming Place to Work, offering

⁸ The 2014 scorecard lists 29 available points, however the total possible points actually is 30; some discrepancy exists in the allocation and must be corrected by the HRC.

- transgender-inclusive healthcare benefits, and requiring city contractors to provide equal benefits. **8 points, plus 2 bonus points remain** available toward this area.
4. Municipal Services: **15 out of 15 point, plus 3 out of 11 bonus points.** The Human Resources Commission, LGBT liaison, and anti-bullying policies are important steps toward ensuring equality policies, however there are multiple areas available to expand LGBT-related services through community partnerships. **8 bonus points remain** available towards this area.
 5. Law Enforcement: **10 out of 18 points.** The city does not have a formal LGBT program in the Police Department, but does ensure that hate crime data is submitted to the FBI. **8 points remain** available towards this area.
 6. Relationship with the LGBT Community: **6 out of 8 points.** The city leadership demonstrates an active commitment to support and advance LGBT issues, but should continue whenever possible. More effort should be made to advance pro-equality policies and legislation, however. **2 points, plus 3 bonus points remain** available towards this area, including participation and recognition of openly LGBT elected or appointed municipal leaders.

Overall, **31 points are available** to help reach the maximum 100 points, although **only 14 are needed.** There are practical and achievable actions that can be taken towards this end, starting with the following next steps:

1. Address existing “low-hanging fruit” deficiencies that can easily and immediately be remedied, such as formalizing a Welcoming Place to Work.
2. The City should partner with Reading Pride and have them review report and give feedback on the assessment. Additional recommendations outside of the scorecard would be welcomed as well.
3. Submit the assessment to the Human Rights Campaign to gather additional feedback and recommendations for consideration.
4. The Administration and City Council should review all feedback and recommendations and develop an action plan for future policies and reforms. Involvement with community partners should be encouraged whenever possible.
5. Continue to promote progress publicly, updating the baseline assessment and scorecard, and reporting new information to the Human Rights Campaign for inclusion in future materials.

I. Non-Discrimination Laws

This category evaluates whether discrimination on the basis of sexual orientation and gender identity is prohibited by the city, county, or state in areas of employment, housing, and public accommodations.

Employment

STATE COUNTY CITY AVAILABLE

00

00

33

33

Housing

00

00

33

33

Public Accommodations

00

00

33

33

SCORE

18 out of 18

II. Relationship Recognition

Marriage, civil unions, and comprehensive domestic partnerships are matters of state policy; cities and counties have only the power to create domestic partner registries.

Marriage Equality, Civil Unions, or Domestic Partnerships

12

12

Municipal Domestic Partner Registry

0

0

12

SCORE

12 out of 12

III. Municipality as Employer

By offering equivalent benefits and protections to LGBT employees, and by awarding contracts to fair-minded businesses, municipalities commit themselves to treating LGBT employees equally.

Non-Discrimination in City Employment

55

55

Domestic Partner Health Benefits

4

4

Transgender-Inclusive Healthcare Benefits

0

4

Legal Dependent Benefits

2

2

Equivalent Family Leave

2

2

City Contractor Non-Discrimination Ordinance

22

22

City Contractor Equal Benefits Ordinance

0

4

SCORE

22 out of 29

BONUS Grossing Up of Employee Benefits

+0

+2

BONUS Municipality is a Welcoming Place to Work

+0

+2



IV. Municipal Services

This section assesses the efforts of the city to ensure LGBT constituents are included in city services and programs.

	STATE	COUNTY	CITY	AVAILABLE
Human Rights Commission			4	4
LGBT Liaison in the Mayor's Office			5	5
Enumerated Anti-Bullying School Policies	00	00	33	33
SCORE	15 out of 15			
BONUS Enforcement mechanism in Human Rights Commission			+3	+3
BONUS City provides services to LGBT youth			+0	+2
BONUS City provides services to LGBT homeless			+0	+2
BONUS City provides services to LGBT elderly			+0	+2
BONUS City provides services to people living with HIV/AIDS			+0	+2

V. Law Enforcement

Fair enforcement of the law includes responsible reporting of hate crimes and engaging with the LGBT community in a thoughtful and respectful way.

	CITY	AVAILABLE
LGBT Police Liaison or Task Force	0	8
Reported 2011 Hate Crimes Statistics to the FBI	10	10
SCORE	10 out of 18	

VI. Relationship with the LGBT Community

This category measures the city leadership's commitment to fully include the LGBT community and to advocate for full equality.

	CITY	AVAILABLE
Leadership's Public Position on LGBT Equality	5	5
Leadership's Pro-Equality Legislative or Policy Efforts	1	3
SCORE	6 out of 8	
BONUS Openly LGBT elected or appointed municipal leaders	+0	+3
BONUS Cities are pro-equality despite restrictive state law	+0	+2

TOTAL SCORE 83 + TOTAL BONUS 3 =

Final Score 86

CANNOT EXCEED 100